

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4
5 JOHN TURNER,

6 Plaintiff,

7 vs.

8 HIGH DESERT STATE PRISON, *et al.*,

9 Defendants.
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2:13-cv-01740-JAD-VCF

ORDER

11 This matter involves incarcerated *pro se* Plaintiff John Turner's civil rights action against High
12 Desert State Prison, *et al.* Before the court are the following motions:

- 13 1. Plaintiff's Motion for File Stamped Copy of Response (#121),
14 2. Plaintiff's Motion for a Claim that Prison Officials Violated Plaintiff's "Due Process Rights"
15 (#122).

16 On April 24, 2015, Defendants filed their oppositions to Plaintiff's motions (#124 and 125).
17 Plaintiff is seeking for two file stamped copies of his response to the order to show cause. (#121). The
18 right to meaningful access to the courts does not confer a right to free unlimited photocopies. See *Sands*
19 *v. Lewis*, 886 F.2d 1166 (9th Cir. 1989) (citing *Jones v. Franzen*, 697 F.2d 801, 803 ("[B]road as the
20 constitutional concert of liberty is, it does not include the right to xerox." (7th Cir. 1983)); see also
21 *Wanninger v. Davenport*, 697 F.2d 992, 994 (11th Cir. 1983); *Johnson v. Parke*, 642 F.2d 377, 380 (10th
22 Cir. 1981); *Harrell v. Keohane*, 621 F.2d 1059, 1060-61 (10th Cir. 1980). The court clerk is not required
23 to make a free copy of plaintiff's file-stamped document and mail it to him.

24 Pursuant to Local Rule 10-4, [c]ounsel or persons appearing in *pro se* who wish to receive a file
25 stamped copy of any pleading or other paper must submit one (1) additional copy. Here, plaintiff did not

1 provide the court clerk an extra copy to be mailed back to him. It is plaintiff's responsibility to maintain
2 his own records. In light of Judge Jennifer Dorsey's order to show cause (#118), the court will allow
3 plaintiff to obtain one file stamped copy of his response to order to show cause (#120) for his records. In
4 the future if plaintiff would like a file-stamped copy to be mailed back to him, he must include an extra
5 copy of that document.

6 In Plaintiff's Motion for Claim that Prison Officials Violated Plaintiff "Due Process Rights"
7 (#122), Plaintiff seeks to amend his complaint and insert an additional claim. Pursuant to Local Rule 15-
8 1(a), [u]nless otherwise permitted by the Court, the moving party shall attached the proposed amended
9 pleading to any motion to amend, so that it will be complete in itself without reference to the superseding
10 pleading. An amended pleading shall include copies of all exhibits referred to in such pleading. Here,
11 plaintiff has failed to attach his amended complaint. Plaintiff's motion is denied.

12 Accordingly,

13 IT IS HEREBY ORDERED that Plaintiff's Motion for File Stamped Copy of Response (#121) is
14 GRANTED in part and DENIED in part.

15 The Clerk of Court is directed to mail Plaintiff one copy of his response to order to show cause
16 (#120).

17 IT IS FURTHER ORDERED that Plaintiff's Motion for Claim that Prison Officials Violated
18 Plaintiff "Due Process Rights" (#122) is DENIED.

19 **NOTICE**

20 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
21 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
22 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
23 may determine that an appeal has been waived due to the failure to file objections within the specified
24 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections
25 within the specified time and (2) failure to properly address and brief the objectionable issues waives the

1 right to appeal the District Court's order and/or appeal factual issues from the order of the District Court.
2 *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452,
3 454 (9th Cir. 1983).

4 Pursuant to Local Special Rule 2-2, the Plaintiff must immediately file written notification with
5 the court of any change of address. The notification must include proof of service upon each opposing
6 party of the party's attorney. **Failure to comply with this Rule may result in dismissal of the action.**
7 *See* LSR 2-2.

8 DATED this 27th day of April, 2015.

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12 CAM FERENBACH
13 UNITED STATES MAGISTRATE JUDGE
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